

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Barbara R. Burns,

Civil No. 05-858 (DWF/JSM)

Plaintiff,

v.

**ORDER AND MEMORANDUM**

City of Apple Valley, its employees and agents;  
County of Dakota, its employees and agents;  
City of Richfield; City of Richfield Police  
Department; Thomas FitzHenry; County of Hennepin,  
its employees and agents; and Steven Suttan,

Defendants.

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Barbara R. Burns, *Pro Se*, Plaintiff.

Jason M. Hiveley, Esq., Iverson Reuvers, LLC, counsel for Defendants City of Apple Valley, City of Richfield, City of Richfield Police Department, and Thomas FitzHenry.

Toni A. Beitz, Assistant Hennepin County Attorney, Hennepin County Attorney's Office, counsel for Defendants County of Hennepin, its employees and agents, and Steven Suttan.

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This matter is before the Court pursuant to the Plaintiff's self-styled request and motion renewing her July 17, 2005, request for a promotion conference in the above-entitled matter. The Court has reviewed Plaintiff's letter of November 9, 2005, along with the July 17, 2005, letter and request for a promotion conference. In that July 17, 2005, request, at page 3, the Plaintiff requested a promotion conference, in substantial part, because, as of that date, there was a stay in place and the Minnesota court was without jurisdiction to proceed because of pending litigation in the Third Circuit

Court of Appeals. On October 13, 2005, the Eighth Circuit Court of Appeals issued its decision denying Plaintiff's petition for a writ of prohibition that she had filed with the Eighth Circuit Court of Appeals. Further, Plaintiff did not prevail on her notice of appeal and petition for a writ of mandamus to the Third Circuit Court of Appeals. Consequently, there are no appeals pending at this time that would interfere with the above-entitled matter going forward on the Defendants' motion to dismiss.

Based upon the presentations of the parties and the Court having reviewed the contents of the Court's file in this matter and being otherwise duly advised in the premises, the Court hereby enters the following:

### **ORDER**

1. Plaintiff's self-styled motion and request for a premotion conference is respectfully

**DENIED.**

Dated: November 15, 2005

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court

### **MEMORANDUM**

The Court has reviewed all submissions of the Plaintiff in the context of the procedural history of the file. Given the present procedural status of the case, neither the Rules of Civil Procedure nor the interests of justice require or otherwise obligate this Court to schedule a premotion conference. Based upon the Court's review of the entire matter, the Court finds and concludes that there would be little accomplished at this stage of the case even if the Court were to set up such a premotion conference.

For these reasons, the Court has respectfully denied the motion and request of the Plaintiff for a premotion conference.

D.W.F.